

HOUSE BILL No. 1296

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 12-29-1; IC 12-29-2.

Synopsis: Tax levies for community mental health centers. Separates the laws concerning financing community mental health centers from the laws concerning financing community mental retardation and other developmental disabilities centers. Provides that the maximum appropriation and tax levy for community mental health centers outside Marion County must be annually recalculated based on the increase in the assessed value growth quotient. Repeals a provision that duplicates other provisions added to the same chapter.

Effective: January 1, 2004 (retroactive).

Klinker, Espich, Austin, Scholer

January 15, 2004, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1296

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-18-12, AS ADDED BY P.L.1-2004,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2004 (RETROACTIVE)]: Sec. 12. (a) For purposes of
4 this section, "maximum rate" refers to the maximum:
5 (1) property tax rate or rates; or
6 (2) special benefits tax rate or rates;
7 referred to in the statutes listed in subsection (d).
8 (b) The maximum rate for taxes first due and payable after 2003 is
9 the maximum rate that would have been determined under subsection
10 (e) for taxes first due and payable in 2003 if subsection (e) had applied
11 for taxes first due and payable in 2003.
12 (c) The maximum rate must be adjusted:
13 (1) each time an annual adjustment of the assessed value of real
14 property takes effect under IC 6-1.1-4-4.5; and
15 (2) each time a general reassessment of real property takes effect
16 under IC 6-1.1-4-4.
17 (d) The statutes to which subsection (a) refers are:

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- 1 (1) IC 8-10-5-17;
- 2 (2) IC 8-22-3-11;
- 3 (3) IC 8-22-3-25;
- 4 (4) IC 12-29-1-1;
- 5 (5) IC 12-29-1-2;
- 6 (6) IC 12-29-1-3;
- 7 ~~(7) IC 12-29-2-13;~~
- 8 **(7) IC 12-29-2-1.9;**
- 9 (8) IC 12-29-3-6;
- 10 (9) IC 13-21-3-12;
- 11 (10) IC 13-21-3-15;
- 12 (11) IC 14-27-6-30;
- 13 (12) IC 14-33-7-3;
- 14 (13) IC 14-33-21-5;
- 15 (14) IC 15-1-6-2;
- 16 (15) IC 15-1-8-1;
- 17 (16) IC 15-1-8-2;
- 18 (17) IC 16-20-2-18;
- 19 (18) IC 16-20-4-27;
- 20 (19) IC 16-20-7-2;
- 21 (20) IC 16-23-1-29;
- 22 (21) IC 16-23-3-6;
- 23 (22) IC 16-23-4-2;
- 24 (23) IC 16-23-5-6;
- 25 (24) IC 16-23-7-2;
- 26 (25) IC 16-23-8-2;
- 27 (26) IC 16-23-9-2;
- 28 (27) IC 16-41-15-5;
- 29 (28) IC 16-41-33-4;
- 30 (29) IC 20-5-17.5-2;
- 31 (30) IC 20-5-17.5-3;
- 32 (31) IC 20-5-37-4;
- 33 (32) IC 20-14-7-5.1;
- 34 (33) IC 20-14-7-6;
- 35 (34) IC 20-14-13-12;
- 36 (35) IC 21-1-11-3;
- 37 (36) IC 21-2-17-2;
- 38 (37) IC 23-13-17-1;
- 39 (38) IC 23-14-66-2;
- 40 (39) IC 23-14-67-3;
- 41 (40) IC 36-7-13-4;
- 42 (41) IC 36-7-14-28;

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- 1 (42) IC 36-7-15.1-16;
 2 (43) IC 36-8-19-8.5;
 3 (44) IC 36-9-6.1-2;
 4 (45) IC 36-9-17.5-4;
 5 (46) IC 36-9-27-73;
 6 (47) IC 36-9-29-31;
 7 (48) IC 36-9-29.1-15;
 8 (49) IC 36-10-6-2;
 9 (50) IC 36-10-7-7;
 10 (51) IC 36-10-7-8;
 11 (52) IC 36-10-7.5-19; and
 12 (53) any statute enacted after December 31, 2003, that:
 13 (A) establishes a maximum rate for any part of the:
 14 (i) property taxes; or
 15 (ii) special benefits taxes;
 16 imposed by a political subdivision; and
 17 (B) does not exempt the maximum rate from the adjustment
 18 under this section.
 19 (e) The new maximum rate under a statute listed in subsection (d)
 20 is the tax rate determined under STEP SEVEN of the following STEPS:
 21 STEP ONE: Determine the maximum rate for the political
 22 subdivision levying a property tax or special benefits tax under
 23 the statute for the year preceding the year in which the annual
 24 adjustment or general reassessment takes effect.
 25 STEP TWO: Determine the actual percentage increase (rounded
 26 to the nearest one-hundredth percent (0.01%)) in the assessed
 27 value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the
 28 taxable property from the year preceding the year the annual
 29 adjustment or general reassessment takes effect to the year that
 30 the annual adjustment or general reassessment takes effect.
 31 STEP THREE: Determine the three (3) calendar years that
 32 immediately precede the ensuing calendar year and in which a
 33 statewide general reassessment of real property does not first take
 34 effect.
 35 STEP FOUR: Compute separately, for each of the calendar years
 36 determined in STEP THREE, the actual percentage increase
 37 (rounded to the nearest one-hundredth percent (0.01%)) in the
 38 assessed value (before the adjustment, if any, under
 39 IC 6-1.1-4-4.5) of the taxable property from the preceding year.
 40 STEP FIVE: Divide the sum of the three (3) quotients computed
 41 in STEP FOUR by three (3).
 42 STEP SIX: Determine the greater of the following:

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(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

SECTION 2. IC 6-1.1-18.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]:
Sec. 10. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit to be used to fund:

(1) community mental health centers under ~~IC 12-29-2-1~~ **IC 12-29-2-1.6 and IC 12-29-2-2** through IC 12-29-2-6; or

(2) community mental retardation and other developmental disabilities centers under IC 12-29-1-1;

to the extent that those property taxes are attributable to any increase in the assessed value of the civil taxing unit's taxable property caused by a general reassessment of real property that took effect after February 28, 1979.

(b) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy described in subsection (a).

SECTION 3. IC 12-29-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]:
Sec. 1. (a) The county executive of a county may authorize the furnishing of financial assistance to ~~the following:~~

~~(1) A community mental health center that is located or will be located in the county.~~

~~(2) a community mental retardation and other developmental disabilities center that is located or will be located in the county.~~

(b) Assistance authorized under this section shall be used for the following purposes:

(1) Constructing a center.

(2) Operating a center.

(c) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in subsection

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(b). The appropriation may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 4. IC 12-29-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]:
Sec. 2. (a) If ~~a community mental health center~~ or a community mental retardation and other developmental disabilities center is organized to provide services to at least two (2) counties, the county executive of each county may authorize the furnishing of financial assistance for the purposes described in section 1(b) of this chapter.

(b) Upon the request of the county executive of the county, the county fiscal body of each county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. The appropriation of each county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 5. IC 12-29-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]:
Sec. 3. (a) The county executive of each county whose residents may receive services from ~~a community mental health center~~ or a community mental retardation and other developmental disabilities center may authorize the furnishing of a share of financial assistance for the purposes described in section 1(b) of this chapter if the following conditions are met:

- (1) The facilities for the center are located in a state adjacent to Indiana.
- (2) The center is organized to provide services to Indiana residents.

(b) Upon the request of the county executive of a county, the county fiscal body of the county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. The appropriations of the county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 6. IC 12-29-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]:
Sec. 4. (a) Bonds of a county may be issued for the construction and equipment or the improvement of a building to house ~~the following~~:

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~~(1) A community mental health center.~~

~~(2) a community mental retardation and other developmental disabilities center.~~

(b) If services are provided to at least two (2) counties:

(1) bonds of the counties involved may be issued to pay the proportionate cost of the project in the proportion determined and agreed upon by the fiscal bodies of the counties involved; or

(2) bonds of one (1) county may be issued and the remaining counties may annually appropriate to the county issuing the bonds amounts to be applied to the payment of the bonds and interest on the bonds in the proportion agreed upon by the county fiscal bodies of the counties involved.

SECTION 7. IC 12-29-1-7, AS AMENDED BY P.L.215-2001, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 7. (a) On the first Monday in October, the county auditor shall certify to:

~~(1) the division of mental health and addiction; for a community mental health center;~~

~~(2) (1) the division of disability, aging, and rehabilitative services, for a community mental retardation and other developmental disabilities center; and~~

~~(3) (2) the president of the board of directors of each center;~~

the amount of money that will be provided to the center under this chapter.

(b) The county payment to the center shall be paid by the county treasurer to the treasurer of each center's board of directors in the following manner:

(1) One-half (1/2) of the county payment to the center shall be made on the second Monday in July.

(2) One-half (1/2) of the county payment to the center shall be made on the second Monday in December.

~~A county making a payment under this subsection or from other county sources to a community mental health center that qualifies as a community mental health center disproportionate share provider under IC 12-15-16-1 shall certify that the payment represents expenditures eligible for financial participation under 42 U.S.C. 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county in making this certification.~~

(c) Payments by the county fiscal body

~~(1) must be in the amounts:~~

~~(A) determined by IC 12-29-2-1 through IC 12-29-2-6; and~~

~~(B) authorized by section 1 of this chapter; and~~

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(2) are in place of grants from agencies supported within the county solely by county tax money.

SECTION 8. IC 12-29-2-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.2. (a) The county executive of a county may authorize the furnishing of financial assistance to a community mental health center that is located or will be located:**

(1) in the county;

(2) anywhere in Indiana, if the community mental health center is organized to provide services to at least two (2) counties, including the county executive's county; or

(3) in an adjacent state, if the center is organized to provide services to Indiana residents, including residents in the county executive's county.

(b) Assistance authorized under this section shall be used for the following purposes:

(1) Constructing a community mental health center.

(2) Operating a community mental health center.

SECTION 9. IC 12-29-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.5. (a) This section applies to a county other than Marion County.**

(b) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter. If a community mental health center is organized to serve more than one (1) county, upon request of the county executive, each county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter.

(c) The appropriation from a county other than Marion County under subsection (b) may not exceed the following:

(1) For 2004, the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that would have been raised by an annual tax rate of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing

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year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) For 2005 and each year thereafter, the result equal to:

(A) the maximum amount determined under this section for the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

SECTION 10. IC 12-29-2-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.6. (a) This section applies to a county other than Marion County.**

(b) A county shall fund the operation of community mental health centers in the amount determined under subsection (c) unless a lower tax rate will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

(1) If the total population of the county is served by one (1) center.

(2) If the total population of the county is served by more than one (1) center.

(3) If the partial population of the county is served by one (1) center.

(4) If the partial population of the county is served by more than one (1) center.

(c) The amount to be used in subsection (b) is the following:

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that would have been raised by an annual tax rate of one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of taxable property within the county in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) For 2005 and each year thereafter, the result equal to:

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(A) the maximum amount determined under this section for the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

SECTION 11. IC 12-29-2-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 1.9. (a) This section applies only to Marion County.**

(b) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter. If a community mental health center is organized to serve more than one (1) county, upon request of the county executive, each county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1.2(b) of this chapter.

(c) The appropriation from Marion County under subsection (b) may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

SECTION 12. IC 12-29-2-2, AS AMENDED BY P.L.1-2004, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 2. (a) This section applies only to Marion County.**

(b) Subject to ~~subsections (b), subsection (c), and (d),~~ a county shall fund the operation of community mental health centers in an amount not less than the amount that would be raised by an annual tax rate of one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of taxable property within the county, unless a lower tax rate will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

- (1) If the total population of the county is served by one (1) center.
- (2) If the total population of the county is served by more than one (1) center.
- (3) If the partial population of the county is served by one (1) center.
- (4) If the partial population of the county is served by more than

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one (1) center.

~~(b) This subsection applies only to a property tax that is imposed in a county containing a consolidated city.~~ (c) The tax rate permitted under subsection ~~(a)~~ (b) for taxes first due and payable after 1995 is the tax rate permitted under subsection ~~(a)~~ (b) as adjusted under this subsection. For each year in which an annual adjustment of the assessed value of real property will take effect under IC 6-1.1-4-4.5 or a general reassessment of property will take effect, the department of local government finance shall compute the maximum rate permitted under subsection (a) as follows:

STEP ONE: Determine the maximum rate for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of:

(A) the STEP ONE tax rate; divided by

(B) one (1) plus the STEP SIX percentage increase.

This maximum rate is the maximum rate under this section until a new maximum rate is computed under this subsection for the next year in which an annual adjustment under IC 6-1.1-4-4.5 or a general reassessment of property will take effect.

~~(c) With respect to a county to which subsection (b) does not apply;~~

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the maximum tax rate permitted under subsection (a) for taxes first due and payable in calendar year 2004 and calendar year 2005 is the maximum tax rate that would have been determined under subsection (d) for taxes first due and payable in 2003 if subsection (d) had applied to the county for taxes first due and payable in 2003.

(d) This subsection applies only to a county to which subsection (b) does not apply. The tax rate permitted under subsection (a) for taxes first due and payable after calendar year 2005 is the tax rate permitted under subsection (c) as adjusted under this subsection. For each year in which an annual adjustment of the assessed value of real property will take effect under IC 6-1.1-4-4.5 or a general reassessment of property will take effect, the department of local government finance shall compute the maximum rate permitted under subsection (a) as follows:

STEP ONE: Determine the maximum rate for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined under STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed under STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0);

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of:

(A) the STEP ONE tax rate; divided by

(B) one (1) plus the STEP SIX percentage increase.

This maximum rate is the maximum rate under this section until a new

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1 maximum rate is computed under this subsection for the next year in
 2 which an annual adjustment under IC 6-1.1-4-4.5 or a general
 3 reassessment of property will take effect.

4 SECTION 13. IC 12-29-2-3, AS AMENDED BY P.L.79-2002,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2004 (RETROACTIVE)]: Sec. 3. In situations described
 7 in section ~~2(a)(1)~~ **1.6(b)(1), 1.6(b)(3), 2(b)(1), or 2(a)(3) 2(b)(3)** of this
 8 chapter, the county's maximum appropriation for part of the total
 9 operating budget of the center is determined as follows:

10 STEP ONE: Divide the total county population by the population
 11 of the county residing in the primary service area of the
 12 community mental health center that is certified by the division
 13 of mental health and addiction to serve the county.

14 STEP TWO: Multiply the amount determined in STEP ONE by
 15 the total operating budget of the center after the operating budget
 16 of the center is reduced by the following anticipated amounts:

17 (A) Gifts, except bequests.

18 (B) Merchandise.

19 (C) Fees.

20 (D) Federal grants for direct service, except research and
 21 demonstration grants.

22 SECTION 14. IC 12-29-2-4, AS AMENDED BY P.L.79-2002,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JANUARY 1, 2004 (RETROACTIVE)]: Sec. 4. (a) Except as provided
 25 in subsection (b), in situations described in section ~~2(a)(2)~~ **1.6(b)(2),**
 26 **1.6(b)(4), 2(b)(2), or 2(a)(4) 2(b)(4)** of this chapter, the county's
 27 maximum appropriation for part of the total operating budget of the
 28 centers is determined in the same manner as in situations described in
 29 section ~~2(a)(1)~~ **1.6(b)(1), 1.6(b)(3), 2(b)(1), or 2(a)(3) 2(b)(3)** of this
 30 chapter.

31 (b) The amount derived from the calculation under subsection (a)
 32 represents the combined maximum appropriation to all centers serving
 33 the particular county. Except for ~~a~~ **Marion County, containing a**
 34 ~~consolidated city~~, the allotment to each center shall be determined in
 35 the following manner:

36 (1) To determine the allotment to each center serving the total
 37 population of the county under the situation described in section
 38 ~~2(a)(2)~~ **1.6(b)(2) or 2(b)(2)** of this chapter, the amount actually
 39 appropriated shall be apportioned according to the proportion of
 40 the county's population residing in the primary service area of
 41 each center, which is certified by the division of mental health
 42 and addiction to serve the county, to the total population of the

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(2) To determine the allotment to each center in the situation described in section ~~2(a)(4)~~ **1.6(b)(4) or 2(b)(4)** of this chapter, the amount actually appropriated shall be apportioned according to the proportion of the county's population residing in the primary service area of each center, which is certified by the division of mental health and addiction to serve the county, to the population of the county served by all centers.

SECTION 15. IC 12-29-2-5, AS AMENDED BY P.L.1-2004, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 5. (a) The maximum appropriation determined under section 3 or 4 of this chapter represents the county's absolute proportional share of each center's total operating budget.

(b) If the proportional share is less than the amount of property taxes raised under the tax rate required under section **1.6 or 2** of this chapter, the county shall appropriate only the maximum appropriation amount.

(c) If the proportional share is more than the amount of property taxes raised under the tax rate required under section **1.6 or 2** of this chapter, the county

~~(1)~~ shall appropriate that amount ~~and~~

~~(2) may appropriate an additional amount up to an amount that would equal the amount of property taxes raised by a tax rate of three and one-third cents (\$0.03 1/3); allowed under section 1.5 or 1.9 of this chapter for that county.~~

SECTION 16. IC 12-29-2-13, AS AMENDED BY P.L.215-2001, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: Sec. 13. (a) This section applies to ~~a Lake County. having a population of not less than four hundred thousand (400,000) but not more than seven hundred thousand (700,000).~~

(b) In addition to any other appropriation under this article, a county annually may fund each center serving the county from the county's general fund in an amount not exceeding the **following:**

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that would be raised by a tax rate of one cent (\$0.01) on each one hundred dollars (\$100) of taxable property within the county in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

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STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) For 2005 and each year thereafter, the result equal to:

(A) the maximum amount determined under this section for the calendar year immediately preceding the ensuing calendar year; multiplied by

(B) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

(c) The receipts from the tax levied under this section shall be used for the leasing, purchasing, constructing, or operating of community residential facilities for the chronically mentally ill (as defined in IC 12-7-2-167).

(d) Money appropriated under this section must be:

(1) budgeted under IC 6-1.1-17; and

(2) included in the center's budget submitted to the division of mental health and addiction.

(e) Permission for a levy increase in excess of the levy limitations may be ordered under IC 6-1.1-18.5-15 only if the levy increase is approved by the division of mental health and addiction for a community mental health center.

SECTION 17. IC 12-29-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 17. (a) Bonds of a county may be issued for the construction and equipment or the improvement of a building to house a community mental health center.**

(b) If services are provided to at least two (2) counties:

(1) bonds of the counties involved may be issued to pay the proportionate cost of the project in the proportion determined and agreed upon by the fiscal bodies of the counties involved; or

(2) bonds of one (1) county may be issued and the remaining counties may annually appropriate to the county issuing the bonds amounts to be applied to the payment of the bonds and interest on the bonds in the proportion agreed upon by the county fiscal bodies of the counties involved.

SECTION 18. IC 12-29-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 18. All general Indiana statutes relating to the following apply to the**

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issuance of county bonds under this chapter:

- (1) The filing of a petition requesting the issuance of bonds.
- (2) The giving of notice of the following:
 - (A) The filing of the petition requesting the issuance of the bonds.
 - (B) The determination to issue bonds.
 - (C) A hearing on the appropriation of the proceeds of the bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to remonstrate against the issuance of bonds.

SECTION 19. IC 12-29-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 19. If bonds are issued under this chapter:**

- (1) the building that is constructed, equipped, or improved with proceeds of the bonds is:
 - (A) the property of the county issuing the bonds; or
 - (B) the joint property of the counties involved if the bonds are issued by at least two (2) counties; and
- (2) the tax limitations in this chapter do not apply to the levy of taxes to pay the bonds and the interest on the bonds.

SECTION 20. IC 12-29-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)]: **Sec. 20. (a) On the first Monday in October, the county auditor shall certify to:**

- (1) the division of mental health and addiction, for a community mental health center; and
- (2) the president of the board of directors of each community mental health center;

the amount of money that will be provided to the community mental health center under this chapter.

(b) The county payment to the community mental health center shall be paid by the county treasurer to the treasurer of each community mental health center's board of directors in the following manner:

- (1) One-half (1/2) of the county payment to the community mental health center shall be made on the second Monday in July.

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(2) One-half (1/2) of the county payment to the community mental health center shall be made on the second Monday in December.

(c) A county making a payment under this subsection or from other county sources to a community mental health center that qualifies as a community mental health center disproportionate share provider under IC 12-15-16-1 shall certify that the payment represents expenditures eligible for financial participation under 42 U.S.C. 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county in making this certification.

(d) Payments by the county fiscal body:

(1) must be in the amounts:

(A) determined by section 1.6 of this chapter and sections 2 through 5 of this chapter; and

(B) authorized by sections 1.5, 1.9, and 13 of this chapter; and

(2) are in place of grants from agencies supported within the county solely by county tax money.

SECTION 21. IC 12-29-2-6 IS REPEALED [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)].

SECTION 22. [EFFECTIVE JANUARY 1, 2004 (RETROACTIVE)] (a) IC 12-29-1 and IC 12-29-2, as amended by this act, apply to property taxes first due and payable after December 31, 2003.

(b) If the department of local government finance determines that compliance with this act would cause an unreasonable delay in the certification of budgets, tax rates, and tax levies in a county, the department of local government finance may certify budgets, tax rates, and tax levies for the county under IC 6-1.1-18-12, IC 12-29-1, and IC 12-29-2 as if this act had not been passed. However, if the department of local government finance takes this action, the affected county and the department of local government finance shall provide for an additional shortfall property tax levy and an additional budgeted amount in 2005 to replace the revenue lost in 2004 to community mental health centers as a result of certifying budgets, tax rates, and tax levies for the county under IC 6-1.1-18-12, IC 12-29-1, and IC 12-29-2 as if this act had not been passed.

(c) The amount of the shortfall levy under subsection (b) shall be treated as an addition to the amount allowed in 2005 under IC 12-29-2, as amended by this act. The ad valorem property tax levy limits imposed by IC 12-29-2, as amended by this act, do not

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1 **apply to ad valorem property taxes imposed under subsection (b).**
2 **For purposes of computing the ad valorem property tax levy limit**
3 **imposed under IC 12-29-2, as amended by this act, for property**
4 **taxes first due and payable in 2006, the ad valorem property tax**
5 **levy imposed under IC 12-29-2, as added by this act, does not**
6 **include that part of the levy imposed under subsection (b).**

7 SECTION 23. An emergency is declared for this act.

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